

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEL MARIN,

Plaintiff,

-against-

CHANCELLOR, UNIVERSITY OF OXFORD, *et al.*,

Defendants.

22-CV-2839 (LTS)

ORDER DIRECTING PAYMENT OF
FEE OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed without prepayment of fees, submit a signed *in forma pauperis* (“IFP”) application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted a motion seeking leave to proceed IFP, but he did not use the court’s form or include the appropriate language from the court’s form. Plaintiff alleges that his monthly income is \$750 per month from a military pension – approximately \$11,000 per year – and asserts that he is living at the poverty level and “cannot provide for himself and also necessities.” (ECF 1 at 8.) Plaintiff also asserts that because of privacy concerns, he did not list any account numbers, but that he “does not object to [providing] details after a sealing order.” (*Id.* at 7.)

Plaintiff’s responses do not establish that he is unable to pay the fees to bring this action, which total \$402. Plaintiff’s motion fails to answer required questions from the court’s IFP application form asking whether he: (1) has any money in cash or in a checking or savings account; (2) has any assets, and if so, their value; (3) has any expenses, debts, or other financial obligations, and, if so, their value; or (4) financially supports anyone else and, if so, the amount of support provided. Account numbers are not required. Because Plaintiff does not provide

complete information about his financial circumstances, the Court is unable to conclude that he lacks sufficient funds to pay the fees to bring this action.

Accordingly, within 30 days of the date of this order, Plaintiff must either pay the \$402 in fees or complete, sign, and submit the attached amended IFP application. If Plaintiff submits the amended IFP application, it should be labeled with docket number 22-CV-2839 (LTS), and address the deficiencies indicated above by providing facts establishing that he is unable to pay the fees to bring this action. Plaintiff must answer each question on the amended IFP application form, and state all sources of income, all assets, and all monthly expenses. If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

No summons shall issue at this time. If Plaintiff complies with this order, the action shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: June 15, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge